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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BAYAT, BRADLEY B

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

09/651,320

Applicant(s)

MANIAR ET AL.

Examiner

Bradley Bayat

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the c rrespondence address --  
Peri d for Reply

## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

Claims 1-29 are presented for examination. Applicant's preliminary amendment of claims 1, 4-5, 11-12, and 17-24 dated March 27, 2002 has been entered.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 2, 5-13, 15-22, 24-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Brake, Jr. et al., U.S. Patent 6,032,136.

As per claims 1, 12, 17, 19 and 21, Brake, Jr. et al. discloses a method for providing a credit card product, said method comprising:

- sending an applicant a credit card that has not been activated (column 5, lines 30-59; figure 2);
- requiring the applicant to answer at least one risk-splitting question (figure 1 and associated text);
- determining a credit limit for the applicant based on the applicant's answers to the risk-splitting questions (column 7, line 65 – column 8, line 23; column 10, lines 3-18; figure 3A and associated text); and
- activating the credit card with a credit limit (column 5, lines 21-29).

As per claims 2 and 22, Brake, Jr. et al. discloses a method wherein sending a credit card that has not been activated depends on prior approval based on credit bureau information (column 10, lines 3-18).

As per claims 5 and 24, Brake, Jr. et al. discloses a method wherein said requiring applicant to answer risk-splitting questions invites the applicant to telephone an issuer and activate the credit card by telephone (figures 3A-3D and associated text).

As per claims 6 and 25, Brake, Jr. et al. discloses a method wherein a live person posing the risk-splitting questions to the applicant and translating those answers into a standardized format (column 8, lines 51-60).

As per claims 7 and 26, Brake, Jr. et al. discloses a method wherein a voice recognition unit (VRU) posing the risk-splitting questions to the applicant and requiring that the applicant answer in a standardized format (column 5, lines 41-45).

As per claims 8, 15 and 27, Brake, Jr. et al. discloses a method wherein further comprises a means for confirming the applicant's answers to the risk-splitting questions (column 5, lines 8-29; column 6, lines 45-67; column 7, lines 1-65).

As per claims 9, 16 and 28, Brake, Jr. et al. discloses a method wherein determining the applicant's credit limit comprises of combining credit bureau information and the applicant's answers to the risk-splitting questions (figure 3A and associated text; column 10, lines 3-10).

As per claims 10, 18, 20 and 29, Brake, Jr. et al. discloses a method wherein further comprises factoring in external data into the determination of applicant's credit limit (column 9, lines 40-61).

As per claim 11, Brake, Jr. et al. discloses a method wherein said activating the credit card comprises cross selling at least one other product based upon the applicant's answer to risk-splitting questions (column 10, lines 11-18).

As per claim 13, Brake, Jr. et al. discloses a method wherein said means for requiring the applicant to answer risk-splitting questions comprises means for answering and activating the credit card via the Internet (column 5, lines 41-45).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4, 14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brake, Jr. et al., in view of Walker et al., U.S. Patent 6,088,686.

As per claims 3-4, 14, and 23, Brake, Jr. et al. discloses a customer activated multi-value card system that can be activated as a credit card based on credit application questions (see abstract). Brake, Jr. et al. does not explicitly teach the limitation of assigning a temporary credit limit based on credit bureau information without the applicant's knowledge. Walker et al. teaches the limitation of pre-determined credit qualified offer amounts based upon applicant's credit bureau information (column 6, lines 25-37; columns 11-12). Walker et al. further teaches the use of numerous external data apart from credit bureau information to determine credit worthiness (columns 15-17). Walker et al. is evidence that one of ordinary skill in the art would recognize the benefit of a pre-approved or temporary credit limit for credit worthy consumers.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a typical time consuming credit application approval process with a temporary pre-approved credit limit for credit worthy consumers, as per teachings of Walker et al.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 2002/0077964 A1 to Brody et al.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached Tuesday-Friday during normal business hours.

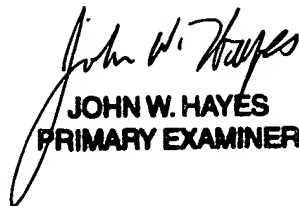
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6128 for regular communications and 703-746-6128 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.

bbb

July 10, 2003

  
JOHN W. HAYES  
PRIMARY EXAMINER